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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/642,492

08/18/2003

Hisao Kawata

D-1533

1861

32628

7590

09/24/2004

HAUPTMAN KANESAKA BERNER PATENT AGENTS
SUITE 300, 1700 DIAGONAL RD
ALEXANDRIA, VA 22314-2848

EXAMINER

VORTMAN, ANATOLY

ART UNIT

PAPER NUMBER

2835

DATE MAILED: 09/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/642,492	Applicant(s) KAWATA ET AL.	
	Examiner Anatoly Vortman	Art Unit 2835	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☒ Claim(s) 5 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/18/03 and 3/9/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4, are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art (AAPA) which is JP/2002-231,869 to Seiichi (an IDS reference) taken either with: an IDS document JP/3-129628 to Masao et al. (Masao), or with US/5,753,878 to Doughty et al (Doughty), or with US/4,672,157 to Neel et al., (Neel), or with US/6,002,313 to Mrenna et al., (Mrenna), or with US/3,780,249 to Harper.

Regarding claims 1-4, AAPA in relation to JP/2002-231,869 to Seiichi teaches all of the claimed elements (see Background of the Invention and Related Art Statement, (p.1-5 of the specification)), but the thin wall portions, which are bend outwardly to allow the arc gases to flow out.

Masao (Fig. 3, element 11), Doughty (Fig. 3, element 36), Neel (Fig. 3, element 106), Mrenna (Fig. 7, 8, element 14A), and Harper (Fig. 2, element 50), each teach flexible thin wall portions, which are bending by the pressure created by the arc gases, thus forming a gap and allowing the venting of said arc gases through said gap.

Since all of the aforementioned references are from the same field of endeavor (circuit breakers with arc gases venting arrangements), the purpose of the bendable thin wall portions as taught by either Masao, Doughty, Neel, Mrenna, or by Harper would be recognized in the device disclosed by AAPA (i.e. by JP/2002-231,869).

It would have been obvious to a person of ordinary skill in the circuit breaker art at the time the invention was made to modify said circuit breaker of AAPA (JP/2002-231,869) by providing said circuit breaker with flexible thin wall portions as taught by either Masao, Doughty, Neel, Mrenna, or Harper, in order to augment the flow of the arc gases outside and to enhance the venting of the device.

Allowable Subject Matter

3. Claim 5 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: claim 5 contains allowable subject matter, at least in part, because claim recites: "a guide wall in the center portion, said thin wall portion being located on two sides of the center portion and having a thickness greater than that of the guide wall and less than that of the center portion".

The aforementioned limitations in combination with all remaining limitations of the claim are believed to render the subject matter of the claim patentable over the art of record.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure:

US/5313031, 5878905, 6198063, 6388867, and JP/6-111706 disclosed circuit breakers with arc gases venting arrangements.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anatoly Vortman whose telephone number is 571-272-2047. The examiner can normally be reached on Monday-Friday, between 10:00 am and 6:30 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Darren Schuberg can be reached on 571-272-2800, ext 35. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Anatoly Vortman
Primary Examiner
Art Unit 2835

AV

